

Exhibit 17



Paper No. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,

Petitioner,

v.

NETLIST, INC.,

Patent Owner

IPR2022-01428
Patent 8,787,060 B2

**PETITIONER'S REPLY
TO PATENT OWNER'S RESPONSE**

electrical communication” with some of the “*array die(s)*.”

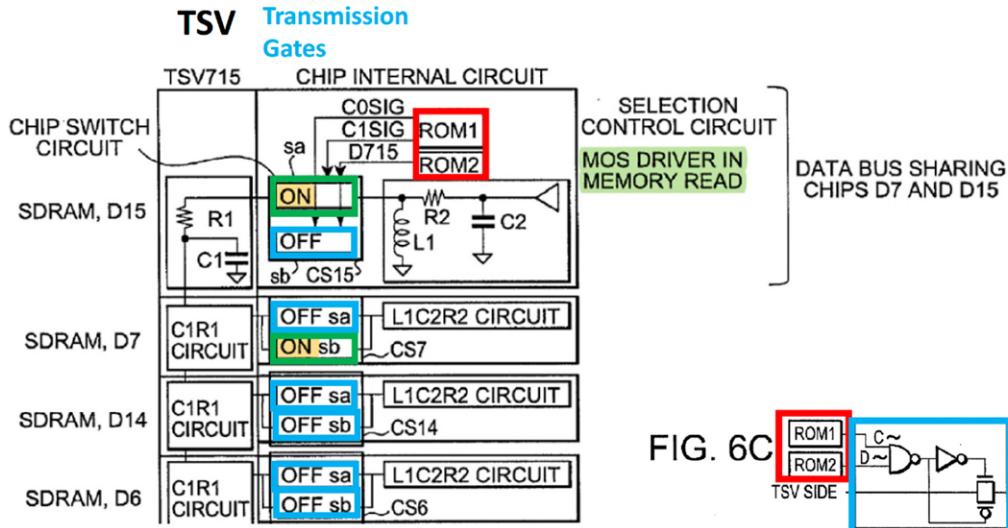
Netlist’s arguments are discussed further below.

a) Grounds 4-5 satisfy any reasonable interpretation of “*not in electrical communication*” (POR 56-63)

Netlist argues that Samsung’s position here is inconsistent with its position in the district court. POR 56-63. That is incorrect. Samsung’s expert in the district court opined that “not in electrical communication with array dies means that there is no transmission of an electrical signal to any circuitry on the die.” POR 56-57. That is the case in Riho as well, where the lack of electrical connection means that there is no “*electrical communication*,” as explained above (pp.20-22).

Furthermore, Netlist agrees (and the jury apparently found) that being “connected to only dummy pads on the die” is **not** “*electrical communication*.” POR 62. Similarly in Riho, the TSV (below left) is connected only to a permanently OFF switch (blue below, set by Read Only Memories, red), not to the SDRAM as discussed above (pp.20-22):

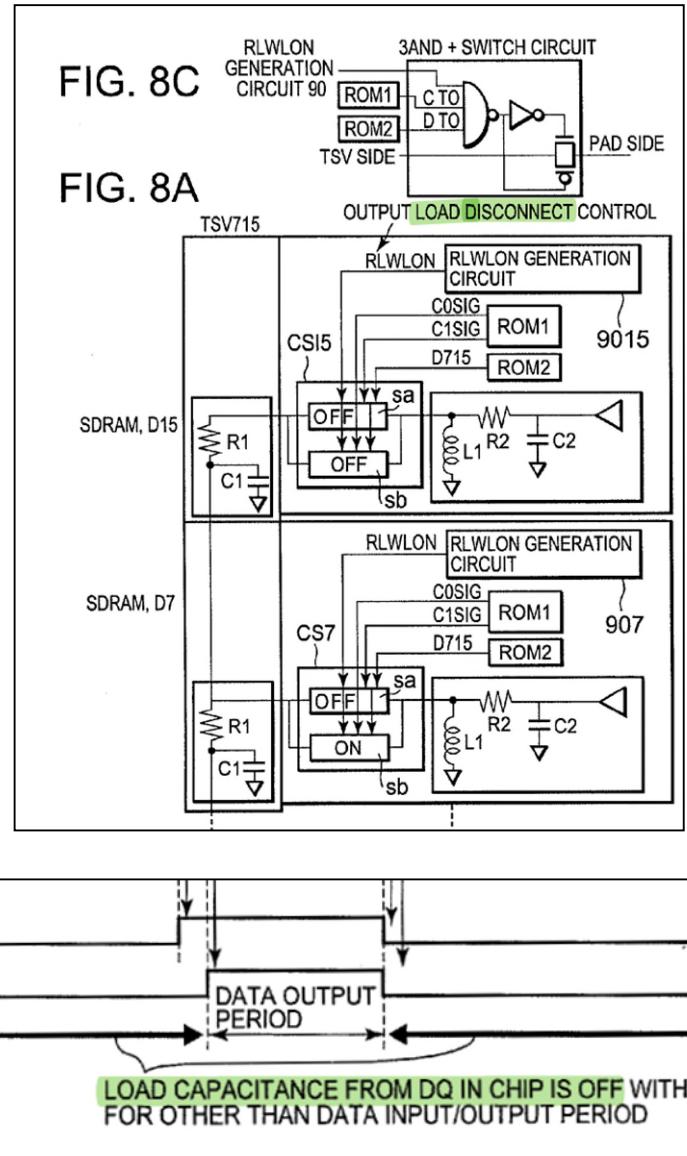
FIG. 5



EX1016, Figs.5, 6C.

Netlist argues that in the 060 Patent there can still be “*electrical communication*” with a “data port,” even when the “data port is switched off,” because the data port creates an electrical **load** on the TSV. POR 61-63. But “*electrical communication*” in claim 1 is separate from “*load*,” which is claimed in dependent claim 7. Furthermore, as explained above (p.21), Netlist’s expert did not agree that “*electrical communication*” depends on electrical load. In any event, Riho discloses that its OFF switch also disconnects the electrical **load** of the SDRAM, further confirming that there is no “*electrical communication*” even under Netlist’s interpretation of the claims. *See, e.g.*, EX1016, [0103], [0110] (“one of each of SDRAM pairs...is connected to the corresponding shared data signal DQ TSV while the other SDRAM is completely **disconnected**...thereby...reducing by half the **load** capacitance of data buses”),

[0123] (“the *load* capacitance from this [disconnected] SDRAM is in an *off* state”), [0132] (similar), Figs.8, 10 (below in part); EX2025, 16:19-18:2, 21:22-24:15, 25:9-27:6, 28:21-29:12, 46:19-48:1, 49:9-14, 52:4-19, 53:13-22, 54:20-55:4.



b) **Riho's TSVs are disconnected from, and thus “not in electrical communication with,” most of the array dies in the stack (POR 63-68)**

Netlist is incorrect that Riho adopted a “multi-drop configuration” where the

TSV is connected to “every die” in the stack. POR 63-68; EX2025, 26:14-27:6.

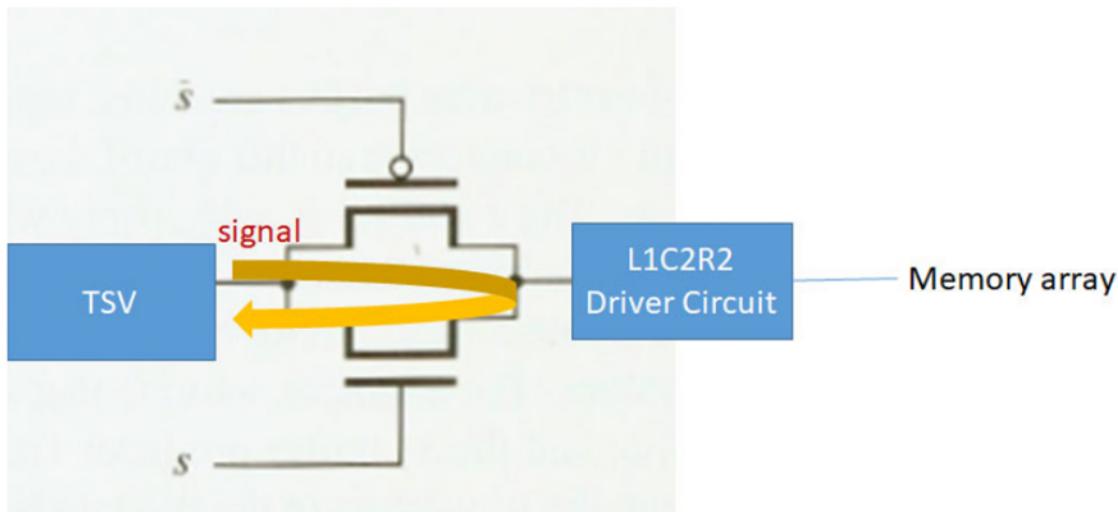
To the contrary, as explained above (pp.20-25), Riho **disconnects** most of the SDRAMs (including D14) from the TSV, including their electrical load.

Netlist argues that Riho’s switches are like a “data port,” and thus they are in “electrical communication” with the TSV, POR 63-66, but that argument depends on the premise that a “data port” presents a **load** to the TSV, which is not true for Riho’s switches as discussed above (pp.24-25). That argument also depends on a claim construction that Netlist’s expert refused to adopt (p.21).

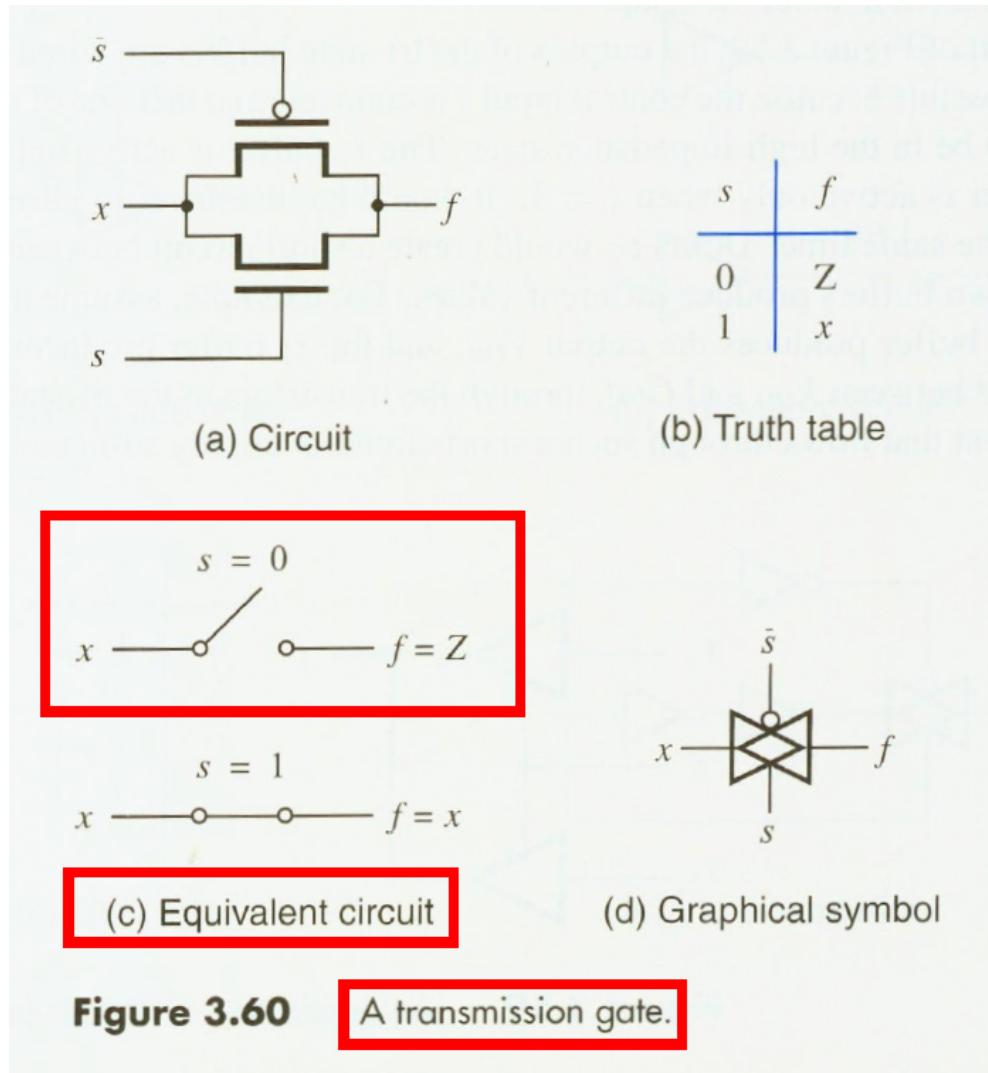
Netlist points to testimony by its expert (who Netlist has paid over \$200,000, EX1052, 19:10-20:6) to support the conclusion that, in Riho, “each TSV would be regarded as in electrical communication with each and every die in the stack.” POR 66-68. But Riho expressly teaches the exact opposite, as discussed above (pp.20-25), and thus such expert testimony that contradicts the express disclosure of Riho must be disregarded. *See, e.g., Homeland Housewares, LLC v. Whirlpool Corp.*, 865 F.3d 1372, 1378 (Fed. Cir. 2017) (“we must disregard the testimony of an expert that is plainly inconsistent with the record”); *CareFusion Corp. v. Baxter Int’l Inc.*, IPR2016-01463, Paper 40, at 4 (PTAB June 13, 2018) (similar).

Furthermore, the testimony of Netlist’s expert is unreliable, because it was premised on a technical inaccuracy, as he admitted during deposition. In Riho, the OFF switch is implemented using a “transmission gate.” EX2025, 46:19-47:2,

144:14-:21. Netlist's expert used the figure below to argue that the "transmission gate" (even when OFF) would still permit signals from the TSV on the left to reach the array die circuits on the right (and vice versa):



POR 67; EX2023, ¶251, p.157. But the figure above is inaccurate, as Netlist's expert admitted on cross, because no "signal" (or load) goes across the transmission gate when it is OFF. EX1052, 357:17-359:13; *see also id.* 153:18-154:9. The more accurate illustration of a transmission gate is found in the textbook cited by both experts, which makes clear that, when the gate is OFF, there is **no** electrical connection (and thus no "*electrical communication*"):



EX1030, 138. As shown above, a transmission gate is like an “insulator...between the die interconnect and the array die circuitry that is large enough to prevent electrical communication” as explained by the 060 Patent itself. EX1001, 8:47-:53.

c) Dr. Wolfe’s testimony is consistent with Riho’s express disclosures (POR 68-73)

Netlist argues that Dr. Wolfe presented a new theory at his deposition according to which “*electrical communication*” is related to load. POR 68-73.